

Summary of Council Comments on the Delta Plan Amendment for Conveyance, Storage Systems, and the Operation of Both from the April 28, 2017 Delta Stewardship Council Meeting

At the April 28, 2017 Council meeting, staff presented a revised discussion draft Delta Plan amendment regarding Conveyance, Storage Systems, and the Operation of Both (discussion draft) and received feedback from Council and the public. The Council's comments on the discussion draft and staff responses are summarized below by amendment section. Page numbers referenced below correspond to the discussion draft presented at the April 28, 2017 Council meeting.

Introduction

Council members were generally supportive of the revised Introduction (pages 1 through 5 of the discussion draft) and expanded background narrative:

- The revised draft language related to “status quo not working” and “no single solution” were highlighted as important, and the addition of citations was appreciated.
- It was suggested that staff review the Delta Plan glossary to ensure that terms already defined are used consistently in the draft amendment, and any new terms are flagged to be added to the glossary.
- Council was supportive of revised draft language on page 3 related to “...integrated portfolio of actions...” and “...new and improved Delta conveyance...” It was noted that operations are important and that the amendment presents a suite of actions that should be integrated.

Staff Response: In revising the discussion draft, staff identified opportunities to further highlight and reinforce the important themes and language highlighted by Council members.

Problem Statement

Council member engaged in a lengthy discussion of the Problem Statement (pages 6 through 16 of the discussion draft), and noted several areas where the discussion could be strengthened or additional information should be provided:

- It was suggested that the term, “dual conveyance” should be clarified and well-defined in the amendment language.
 - *Staff Response: Dual conveyance is defined on page 11 (where the term first appears), consistent with the definition contained in the Delta Plan. This definition was also added to the recommendation in item I.A.1.*

- In the introduction to the discussion of problems (page 6, lines 16 to 18), “The declines are due to multiple factors, including: entrainment, flow alteration, ...” it was noted that the term “flow alteration” is too vague. It was suggested that staff review terms in the Delta Plan glossary and include more specifics related to flow changes, such as changed inflow hydrograph. Also, urbanization was noted as another factor to include.
 - *Staff Response: The term “natural flow regimes” was inserted in lieu of “flow alteration,” and a definition for this term included in a footnote. Urbanization was added as a factor.*
- A Council member supported text added on page 8, beginning on line 3, “...degrade water quality in the Delta during periods of lower flow...” and “...potential to degrade water quality for in-Delta users...” It was noted that this text was in response to public comments and experience during the recent drought, and highlights the balance that needs to be struck – degraded water quality in the Delta during low flow has the potential to degrade water quality for in-Delta users as well. Text beginning on line 8 – “...monitored and mitigated. Improving, monitoring, and adaptively managing...” was noted as important to managing this balance.
 - *Staff Response: No action required.*
- Council was generally supportive of new text beginning on page 10 and continuing on page 11 that describes the need for improvements. In particular, the following were highlighted as important points:
 - “...risk of taking no action is unacceptably high and will lead to additional, irreparable damage to the ecosystem...”
 - “...conveyance infrastructure in the Delta lacks sufficient capacity and flexibility to manage water operations to benefit the ecosystem and enhance water supply reliability.”
 - *Staff Response: No action required.*
- Council members generally agreed that the revised language describing the history of solutions and range of options considered (beginning on page 11) was complete, and that the status quo is not working.
 - *Staff Response: No action required.*
- Council members discussed various aspects of the use of science to inform decisions and further the coequal goals (pages 12 through 14). The concepts of “One Delta, one science,” openness and transparency, and trust in science were discussed. Cliff Dahm described the criteria used to identify best available

science, and noted that best available science does not mean that all scientists concur.

- *Staff Response: Staff has identified several additional areas where scientific references can be cited, and added new references (where appropriate).*
- Council was generally supportive of the revised text and additional detail provided with respect to the need for conveyance improvements (pages 11 through 14) and supporting information behind the recommendations:
 - Supportive of revised draft language "...new isolated conveyance, through-Delta conveyance will remain an important component of the State's water supply system." and "additional flow releases from upstream reservoirs may be required to meet in-Delta salinity standards..."
 - Supportive of revised draft language "...risk of taking no action is unacceptably high and will lead to additional, irreparable damage to the ecosystem..."
 - Council requested clarification on how conveyance improvements could help address reverse flow conditions, and what these conditions encompassed.
 - *Staff Response: Text was added to describe reverse flows and how conveyance improvements could address them.*
- Council members engaged in discussion regarding the potential impacts to the environment and Delta communities of implementing improvements to conveyance in the Delta.
 - It was suggested that construction projects should provide a "date certain" and have consequences for not meeting certain milestones, and/or that the length of construction should be tied to compensation.
 - It was suggested that a phased project implementation approach would allow for more contained impacts.
 - It was noted that farming operations do not have the capacity to suspend operations during long, multi-year construction periods.
 - Language noting that "the Delta Protection Commission and affected local communities must be considered in selecting alternatives and mitigation measures" was praised and Council was generally supportive of how the text emphasized the importance of the Delta as a place. It was noted that many factors affect quality of life in the Delta.

- *Staff Response: More specifics on the content of project implementation plans was incorporated into the conveyance recommendations section of the amendment (I.B.2.(g)).*
- Council generally agreed that the language adequately describes the need to implement near-term actions in the south Delta to address continued operations of the CVP and SWP.
 - *Staff Response: No action required.*
- It was suggested that agencies should be called out specifically when it is clear that they have responsibility for implementing projects in the Delta, or implementing portions of the amendment. In some cases, multiple agencies or parties share responsibility. It was also noted that DWR is not solely responsible for implementing projects or achieving the coequal goals.
 - *Staff Response: Staff reviewed the amendment language and, where appropriate, identified specific agencies and their role(s). Staff will also incorporate a discussion of existing agency roles/authorities into planned updates to Chapter 3 of the Delta Plan, which are anticipated to occur after the amendment is approved by the Council. See also Attachment 3 to Item 10 of the March 24, 2016 Council meeting, which provided a summary of agency regulatory roles with respect to Delta conveyance, storage systems, and operations.*
- Council generally agreed that the language adequately describes the need to implement near-term actions to protect fish in the south Delta. It was noted that the CVP and SWP facilities in the south Delta will continue to operate into the future.
 - *Staff Response: Text on page 14 revised as noted: "...the CVP and SWP pumping facilities in the south Delta will ~~are likely to~~ continue to operate ~~well into the future.~~"*

Conclusion

- On page 17, one Council member suggested that the statement "These provisions are recommendations; they are not regulations," should be its own paragraph, for emphasis. Other Council members cautioned that the text should not imply that the amendment has no weight in influencing outcomes. Further, it was recommended that one of the recommendations in the amendment should be changed from "should" to "shall" ~~(indicating a shift from recommendation to regulatory policy)~~.
 - *Staff Response: Text was revised to make the sentence a standalone paragraph.*

I. New and Improved Water Conveyance

- Under item I.A.1., promotion of conveyance improvements in the Delta (page 17), it was requested that staff clarify why the language "...one or more new screened intakes..." was revised to address screened intakes.
 - *Staff Response: Text was further revised to clarify that the intent is to recommend a dual-conveyance system that can make use of a combination of existing and new intake facilities (multiple intakes). Multiple intakes would allow greater flexibility in diverting water, depending on flow conditions and the presence of native fish in different parts of the Delta. Although screening existing south Delta intakes is recognized to present significant challenges, new intakes constructed as part of a dual-conveyance system should be designed with fish screens.*
- Under item 1.A.1.(b) it was requested that text should be revised to read "...new and improved conveyance facilities ~~should~~ shall be consistent with updated State Water Resources Control Board flow criteria...".
 - *Staff Response: Staff is coordinating with the State Water Resources Control Board (SWRCB) to develop language consistent with their authorities.*
- Council members noted that the text under item I.B. was overly passive in its tone, and should be more specific as to who (what agency or entity) should be taking the recommended actions.
 - *Staff Response: Text was reviewed and revised to remove passive language and identify responsible entities (agencies, project proponents, etc.), as appropriate.*
- It was recommended that SWRCB criteria be recognized under item I.B.1.
 - *Staff Response: SWRCB requirements were added to item I.B.1.(a).*
- Council generally supported the new items (i), (j), and (k) added under item I.B.1 (page 20) regarding criteria for "short-term and long-term effects of each Delta conveyance alternative on terrestrial species", "...unique cultural, recreational, natural resources, and agricultural values...", and cost-effectiveness of alternatives..." It was requested that a definition for cost-effectiveness be provided, and that staff revisit options for the type of economic analysis that should be recommended.
 - *Staff Response: A definition for cost-effectiveness was added to item 1.B.1.(k) and supplemented with a footnote with a more lengthy description of the intended analysis.*

- Under item 1.B.2 (pages 20-21) Council requested more specific recommendations be included on minimizing or mitigating the effects on the Delta of new conveyance infrastructure, including the aesthetic impacts of structures, construction sequencing, “good neighbor” policies, spoils deposition, transportation, and communication with local residents, communities, and businesses during construction. It was noted that the Delta Protection Commission and local governments should have a role in developing project implementation plans to minimize and mitigate for these effects. The idea of requiring financial penalties for delayed construction was suggested by a Council member.
 - *Staff Response: Text was added to item 1.B.2 to more explicitly describe long-term and short-term effects of concern, and the entities that should be engaged in developing mitigation plans. This includes an expanded list of the specific concerns that should be addressed in project implementation plans for new and improved conveyance in the Delta.*
- It was noted that changes to water levels in the Delta with the operation of dual conveyance could affect local in-Delta water diverters, particularly agricultural diverters.
 - *Staff Response: Changes were made to the operations recommendations (item III.B.) to address the comment.*

II. New and Improved Water Storage

- Under item II.A.1, which describes options for new and expanded surface water storage (page 22) it was recommended that “flexibility” be better defined under item (a) and “favorable” be better defined under item (d).
 - *Staff Response: Text was revised to clarify the meaning of these terms and a reference was added to the relevant operations recommendations under item III.*
- It was suggested that item II.A.1.(c) “Allow greater flexibility in storing exported Delta supplies during periods when more water is available for export...” could be moved to fall under item II.A.2.
 - *Staff Response: Text was revised for clarity and to recognize that new or expanded surface water storage in the Delta watershed can contribute to reduced exports.*
- Council expressed that item II.A.1.(e) lacked specificity with respect to conjunctive management of surface and groundwater and should reference the Sustainable Groundwater Management Act (SGMA).

- *Staff Response: Text was revised for clarity, conjunctive management was defined (including a reference to the Delta Plan glossary), and consistency with SGMA was added.*
- Council recommended that item II.A.2. (page 22) be revised to clarify that expanded surface water storage project should allow storage of local supplies for use when Delta exports are reduced.
 - *Staff Response: Text was revised as recommended.*
- Council generally approved of the text added until item II.A.4. (page 23) related to revisions to existing regulations to promote groundwater recharge using recycled water and other local water supplies.
 - *Staff Response: No action required.*
- Council suggested that item II.B.2.(a) (page 23) "...ability to store water during wet periods..." should be revised to clarify the intent to provide dedicated carryover storage pools for dry year use.
 - *Staff Response: Text revised per comment.*
- Council suggested that item II.B.3.(b) (page 24) be revised to note the intent to achieve balanced groundwater levels.
 - *Staff Response: Text revised to recommend that projects help contribute to achieving groundwater sustainability goals established pursuant to SGMA.*
- Council noted under item II.C.1.(a) (page 24) that recharge via stream-aquifer interactions can negatively affect functional flows in a stream.
 - *Staff Response: Text revised to reflect that these activities should not result in harmful impacts to functional flows in local streams.*
- Council suggested that staff consider other agencies, such as SWRCB, that could implement the recommendations in items II.C.2. and II.C.3 (page 25).
 - *Staff Response: Item II.C.3. was modified to note that DWR or SWRCB could implement the recommendation for an incentive-based program to preserve areas suitable for groundwater recharge. These agencies are highly engaged in financial programs related to sustainable groundwater management and are believed to be best suited to carry out such a program.*

III. Improve Operations of Storage and Conveyance

- Under III.A.2. (page 25), which recommends development of an adaptive management plan for CVP and SWP through-Delta conveyance, Council noted that changes in water levels and reverse flows are also important, particularly for in-Delta users.
 - *Staff Response: Recommendation revised to add flow direction and water levels, and to note that the plan should be consistent with the Delta Plan's framework for adaptive management.*
- Council suggested that item III.B.1.(c) (page 27) that references "...modifying operations to meet SWRCB flow or water quality objectives..." could also consider the objectives of other agencies or plans, such as CDFW.
 - *Staff Response: Recommendation revised to add conservation and recovery goals of CDFW.*
- Council suggested that item III.D.2.(b) (page 28) that addresses improving conjunctive management of surface and groundwater resources should also specify the goal of balancing groundwater levels.
 - *Staff Response: Text revised to recommend that projects help contribute to achieving groundwater sustainability goals established pursuant to SGMA.*
- Council suggested that item III.E. (page 29), which recommends consideration of information related to Delta Plan performance measures, could reference the Delta Dashboard or DeltaView.
 - *Staff Response: The recommendation was modified to address the Council's existing online tracking and reporting tools. Specific tool names were not referenced, as these may change over time.*
- Council noted several items that should be added to and/or corrected in the Timeline, included as Attachment A to the discussion draft amendment. This include addition of major surface storage facilities (Hetch Hetchy, Pardee, Friant, San Louis, New Melones, Los Vaqueros, and Kern County Water Bank); addition of checkmarks for the 1980 entry for the Tehama Colusa Canal; the 2013 Delta Independent Science Board review of the draft EIR/EIS for BDCP– check mark under conveyance
 - *Staff Response: The Timeline was modified per the comments.*